AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/629,682

Attorney Docket No.: Q76276

REMARKS

In this Amendment, Applicant adds claims 23 and 24. Accordingly, claims 1, 2 and 5-24 are all the claims pending in the application.

Claim objection

Claim 21 is objected to by the Examiner as allegedly being a substantial duplicate of claim 20. Applicant traverses this objection for at least the following reasons.

Applicant submits that claim 20 recites, "wherein the network comprises asynchronous transfer mode (ATM) switches" and claim 21 recites "wherein the equipment is an asynchronous transfer mode (ATM) switch." Support for the subject matter of claims 20 and 21 can be found at for example, page 3, lines 22-24 of the Applicant's originally filed specification. Therefore, claim 20 recites that the network comprises an ATM switch and claim 21 recites that the equipment is an ATM switch. They are different because claim 21 further defines the equipment of claim 1 as an ATM, while claim 20 recites that the network comprises an ATM switch. Therefore, these claims are not mere duplicates of each other. As such, Applicant respectfully requests the Examiner to withdraw the claim objection.

Claim rejection under 35 U.S.C. § 112, second paragraph

Claims 1, 2, and 5-22 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner contends that the written description fails disclose the corresponding structure, material, or acts for the claim elements - "means for acquiring, inferring and transmitting." Applicant traverses the rejection as follows.

Claim 1 recites, *inter alia*, "means for acquiring policy rules comprising service rules which create the service and implementation rules which implement the service; means for inferring said policy rules to determine commands corresponding to said policy rules; and means for transmitting the determined commands to network elements of the network."

Applicant respectfully submits that at least FIG. 2 and the description on page 2, line 31 to page 3, line 2, page 3, lines 22-31 and page 4, lines 25-28 supports the claimed elements.

For instance, page 3, line 29-31 and FIG. 2 of the specification describe a processing means IE that receive as input service rules Rs and implementation rules. Moreover, page 3, line 28 and page 4, lines 25-28 and FIG. 2 describes that processing means IE comprises an inference engine. Also, page 2, lines 32-35 and FIG. 2 shows the transmission of commands c from the processing means IE to the network elements.

In view of the above, Applicant respectfully submits that all the claimed elements, including "means for acquiring, inferring and transmitting" are set forth in the written description of the specification. Therefore, Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 112, second paragraph rejection.

Claim rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 5-10, 13, 18, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer et al. (US Patent No. 6,766,364; hereinafter "Moyer") in view of McGuire (US Patent Publication No. 2002/0161888; hereinafter "McGuire").

Claims 11, 16, 17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer in view of McGuire in further view of Newton, Harry (Newton's Telecom Dictionary; hereinafter "Newton").

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer in view of McGuire in further view of Ballantine et al. (US Patent No. 6,446,123 B1; hereinafter "Ballantine").

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer in view of McGuire in further view of Abaye et al. (US Patent No. No. 7,024,475 B1; hereinafter "Abaye").

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer in view of McGuire in further view of Westfall et al. (US Patent No. 6,449,650; hereinafter "Westfall").

Applicant traverses the rejections as follows.

Claim 1

Claim 1 recites "wherein the inferring means adapts the technology rules using the equipment rules based on an equipment type." In response, the Examiner contends that the abstract, column 2, lines 23-46, column 3, lines 57-67, column 4, lines 1-5 and column 5, lines 10-40 of Moyer allegedly disclose these features of claim 1. Applicant respectfully disagrees with the Examiner for at least the following reasons.

According to claim 1, the inferring means adapts the technology rules using the equipment rules based on an equipment type. Here, the technology rules and equipment rules are claimed as distinct elements. As such, the inferring means adapts first rules (technology rules) using second rules (equipment rules) based on the equipment type. To help the Examiner better understand the distinguishing aspects, Applicant points the Examiner's attention to, for example, page 4, lines 21-25 of the Applicant's originally filed specification, which describes a non-limiting embodiment of the technology rules and page 5, lines 5-8, which describes a non-limiting embodiment of the equipment rules.

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On the other hand, Moyer discloses a configuration manager that obtains a service template that provides generic end-to-end requirements for enabling the service upon request of a new service. Then, a configuration generator generates vendor-neutral device configuration settings from the service template and a service configuration validator module then validates the service. Finally, an adaptor module translates the vendor-neutral device configuration settings to vendor-specific device configures settings and communicates these setting of the particular devices to enable the service (Abstract and column 2, lines 23-47). However, Moyer does not teach or suggest that "the inferring means adapts the technology rules using the equipment rules based on an equipment type."

In particular, according to Moyer, once a service template is obtained, the configuration generator generates vendor-neutral device configuration settings from the service template, the validator module validates the service and the adaptor module translates the vendor-neutral device configuration settings to vendor-specific device configuration settings using device templates. See column 2, lines 31-47. However, there is no teaching of the claimed feature of adapting the technology rules using the equipment rules based on an equipment type. In particular, Moyer merely discloses translating the vendor-neutral device configuration settings to vendor-specific device configures settings, which is different from adapting the technology rules using the equipment rules. This is different because translating a configuration setting to another configuration setting does not teach adapting a set of rules using another set of rules as recited in claim 1.

On page 5, last line of the Office Action, the Examiner appears to assert that Moyer discloses adapting device templates using device templates based on an equipment type. It is unclear how the device templates are adapted using device templates in Moyer.

First, as noted above, claim 1 recites two distinct elements (i.e., technology rules and equipment rules). Second, even if, *assuming arguendo*, the device templates correspond to both the claimed technology rules and equipment rules, Moyer does not teach adapting device templates using device templates as asserted by the Examiner on page 5, last line of the Office Action. The device templates in Moyer provide the capabilities of a particular device and how to configure that particular device. Therefore, Moyer does not teach the elements of claim 1, and McGuire does not cure the deficiencies of Moyer.

In view of the above, Applicant respectfully submits that claim 1 is patentable over the cited combination of references.

Claims 2, 5-10, 13, 18, 19 and 22

Applicant respectfully submits that dependent claims 2, 5-10, 13, 18, 19 and 22 are allowable at least by virtue of their dependency and the additional features recited therein.

With regard to claim 13, Applicant respectfully submits that Moyer does not teach or suggest the features of "the equipment rules are used to model how the technology rules must be selected for a particular equipment type." In the response to the argument section in page 19, lines 19-21, the Examiner contends that "... Moyer clearly disclose the device template provide the capabilities of a particular device (equipment rules) and how to configure the particular, device (technology/equipment rules)..." Applicant respectfully submits that even though Moyer discloses translating the vendor-neutral device configuration settings to vendor-specific device

configuration settings using device templates (column 3, line 67 to column 4, line 2), this does

not teach or suggest the expressly recited features of claim 13.

In particular, according to claim 13, "the equipment rules are used to model how the

technology rules must be selected." As such, according to claim 13, one set of rules (equipment

rule) is used model how a second set of rules (technology rules) should be selected. This,

however, is different from merely configuring a particular device using the device template.

Claim 11-12, 14-17, 20, and 21

Applicant respectfully submits that since Newton, Ballantine, Abaye and Westfall do not

cure the deficiencies discussed above regarding claim 1 and since claims 11-12, 14-17, 20, and

21 depend from claim 1, these claims are allowable at least by virtue of their dependency and the

additional features recited therein.

New claims

Applicant has added new claims 23 and 24. Support for the subject matter of claim 23

can be found at, for example, page 3, lines 25-31 and FIG. 2. Support for the subject matter of

claim 24 can be found at, for example, page 3, lines 25-31 and FIG. 2. The art cited by the

Examiner does not teach the elements of claims 23 and 24. Further, claims 23 and 24 depend

from claim 1, and therefore should be deemed allowable at least by virtue of their dependency

for at least the reasons set forth above.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

     The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

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